

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Anthony B. Fuller)	
Serial No.:	10/520,773)	
Filed:	November 14, 2005)	Confirmation No. 2436
)	
Group Art Unit:	3723)	
Examiner:	Robert C. Watson)	
)	
Attorney Docket:	014881-000688)	
)	
Title:	BAR CLAMP WITH SIDE- ACTIVATED BRAKING LEVER)	
)	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement set out in the Office Action dated April 3, 2008, Applicants hereby elect invention IV, claim 41. Additionally, as set forth in the restriction requirement, claims 1-12, 15-20, and 40 will be examined with any elected group. This election is made with traverse.

Applicants submit that a search and examination of the entire application can be made without serious burden as set forth in M.P.E.P §803. This is especially true for claims 13-14 since a search and examination on these claims have already been performed, as evidenced in the office action dated July 20, 2007.

It is understood from the Examiner's comments on page 4, paragraph (c) of the restriction requirement that the primary reason for requiring a restriction is that the different inventions require a different field of search. However, it is submitted that the complete search of all of the inventions will be substantially the same and that the Examiner must consider similar prior art and similar issues for each of the claimed inventions. Thus, there would be very little burden, if any, on the Examiner to search and examine all the inventions as a whole because all of the independent claims are drawn to a clamp with a braking lever and a brake actuator. Further, with regard to claims 13-14, there is no burden on the Examiner because a search and examination has already been performed in the first substantive office action.

The Examiner stated that the text searches for the different inventions will be different. Under this rationale, any two claims that set forth slightly different inventions or that use different words could be properly restricted. Restriction practice is not intended to be a tool to separate a


reasonable number of claims into extremely limited claim groupings simply because the Examiner may have to tailor the search for variations of scope in the claims. Applicant is entitled to pursue reasonable variations in claim scope without being subject to such an onerous burden. Restriction is proper only when the burden on the Examiner is a serious one. In the present case, as previously discussed, it is submitted that there is little, if any, additional burden on the Examiner if the restriction requirement is withdrawn. Reconsideration of the restriction requirement is respectfully requested.

If the Examiner has any questions about the present response a telephone interview is requested. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

Anthony B. Fuller
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Date: 4/30/08

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